



LOUIS P. ALBERGHINI
188 LANCASTER ROAD
BERLIN, MA, 01503
PHONE: (978) 838-7368
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OBJECTIVE

To become associated with a company that will utilize my vast experience, skills and leadership ability in a maintenance management or supervisory position.

SUMMARY

Dedicated college-degreed professional with a strong background in facility management, electrical engineering, and maintenance; detail oriented with a proven ability to adapt to a changing environment keeping priorities in perspective; excellent interpersonal and communication skills; work equally effective alone or in a team setting; problems are turned into solutions using acquired information and decision-making skills, logic and sound judgement.

QUALIFICATIONS

16 years in a facility management and engineering position;
Organized and implemented a preventive/predictive maintenance program;
Experience with maintaining maintenance records, energy management systems, project management, fiscal budgets and capital plans.

EMPLOYMENT BACKGROUND

Simonds Industries, Inc.

Fitchburg, MA

Project Engineer (Feb, 2000 - May, 2001);

Responsible for the rebuild, set-up and installation of mission critical line operations which significantly increased product capacity; interacted with outside contractors to complete projects; responsible for setting up a computerized preventive/predictive maintenance program; worked on several projects including designing a gauge to measure saw tooth angles and constructing a catalog of product specifications.

Manager of Manufacturing Services (April, 1990 - Jan, 2000);

Directed a plant layout specialist, a maintenance unit manager and an environmental engineer in providing plant services to the manufacturing facility and surrounding buildings and grounds; also accountable for budgets, capital plans and cost reductions for my department.

Electrical Engineer (March, 1985 - April, 1990);

Designed and developed electrical control systems; co-developer of a patented design (Circular Saw Testing Technique - Patent # 5163334).

Electrical Maintenance Supervisor (April, 1982 - March, 1985).

Provided leadership to a crew of 20 skilled and unskilled workers including electricians, millwrights, plumbers, yard people, and janitors in the day-to-day maintenance of a



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Resume'

400,500 sq. ft facility and 25+ acres of land; responsibilities also included machine installations, electrical maintenance, and repair.

Nypromas

Clinton, MA

Electrical Maintenance Technician (Oct. 1980 - April 1982)

Responsible for electrical maintenance and repair of state-of-the-art injection molding machines.

Chase Walton Elastomers, Inc.

Plant Maintenance Manager (May 1976 - Sept 1980)

Hudson, MA

Responsible for a team of 4 people in handling all machine and facility maintenance.

LB.E.W., Local #259

Member of Electricians Local #259, I.B.E.W. (1959 - April 1976)

Worked eight of the seventeen years as a foreman on several jobs ranging in size from an armory in Danvers, MA, to a linear accelerator in Middleton, MA.

EDUCATION

Central New England College / Johnson & Wales, Pro Tech Div.

Bachelor of Science in Electrical Engineering Technology, 1993.

Member of the Alpha Beta Kappa, National Honor Society

Merrimack College, Evening Division

Assoc. Degree in Electrical Engineering, 1962.

SPECIALIZED AREAS OF EDUCATION

Mass. Electrical Journeyman's License, #14629E

Mass. Master's Electrician's License, #9273A

Univ. of Rhode Island, seminar on Preventive Maintenance

Knox-Norton Corp, Industrial Fluid Power I

Learning Tree, seminar on Effective Skills For Technical Managers

Turn Key Mfg. Seminar on Lean Manufacturing Essentials

Training in AutoCAD LT 2000

COMPUTER SKILLS

Microsoft Windows, Word, Excel, and AutoCAD LT

PERSONAL DATA

Married, three sons, excellent health

Interests: avid sports fan, golf, camping, and bicycling

SALARY: Negotiable

References: Available upon request.

EXHIBIT C

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION
Civil Action No. 04-40092-FDS

LOUIS P. ALBERGHINI,)
Plaintiff,)
VS.)
SIMONDS INDUSTRIES, INC.,)
Defendant.)

DEPOSITION OF LOUIS P. ALBERGHINI, taken at the request of the Defendant pursuant to Rule 30 of the Massachusetts Rules of Civil Procedure before Julie A. Bates, a Notary Public in and for the Commonwealth of Massachusetts, on Tuesday, January 11, 2005, at the offices of Bowditch & Dewey, 311 Main Street, Worcester, Massachusetts. Also present: Richard Brault.

APPEARANCES:

FOR THE PLAINTIFF:
ELLIOTT LAW OFFICE P.C.
30 Central Street
Gardner, MA 01440
(978) 632-7948
BY: JOHN M. FLICK, ESQ.

FOR THE DEFENDANT:
BOWDITCH & DEWEY, LLP
311 Main Street
Worcester, MA 01615
(508) 791-3511
BY: JONATHAN R. SIGEL, ESQ.

BAY STATE REPORTING AGENCY
76 MILL STREET, WORCESTER, MASSACHUSETTS 01603
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Witness:
LOUIS P. ALBERGHINI
BY MR. SIGEL

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STIPULATIONS

MR. SIGEL: Thank you. John, usual stipulations?

MR. FLICK: Usual, yep. And read and sign.

MR. SIGEL: Okay.

LOUIS P. ALBERGHINI, having been satisfactorily identified by the production of his driver's license and duly sworn, was examined and testified as follows:

EXAMINATION BY MR. SIGEL:

Q. Mr. Alberghini, my name is Jonathan Sigel, as you, I'm sure, know by now. If you recall, we did take your deposition -- strike that. I did take your deposition in October of 2002. Do you remember that regarding the MCAD action?

A. Yes.

Q. Did you review your deposition transcript from that deposition in preparation for today's deposition?

A. Yes.

Q. And is the testimony you provided

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at that deposition accurate and truthful?

A. I believe so.

Q. Mr. Alberghini, do you have any health condition or are you taking any medications that impair your memory or ability to testify at this deposition?

A. No.

Q. Did you consult with your attorney in preparation for this deposition?

MR. FLICK: Objection. You can -- attorney-client privilege. You can answer yes or no, but just don't reveal anything --

Q. I'm not asking about your discussions. I'm just asking if you consulted with your attorney in preparation for today's deposition.

A. Yes.

Q. Did you review any documents in preparation for today's deposition other than the deposition transcript from October 2002 deposition?

A. I looked at a legal memorandum.

Q. Okay. Was that in connection with the MCAD case?

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1 Q. Okay.
2 A. I was doing work for the carbide
3 tip machines that were coming in, installing
4 those in place. I did modifications to those
5 machines also.
6 Q. Do you remember specifically what
7 projects you were working on with Rick Brault?
8 A. That was the reciprocating project.
9 Now, what projects was I doing?
10 Q. If I said power tool accessory
11 manufacturing lines, does that refresh your
12 memory?
13 A. That's the recip line, yes.
14 Q. Can you tell me -- can you describe
15 what that -- what those duties involved on
16 your part?
17 A. One of the projects was I was
18 setting up some shelving in an area. Another
19 project was I was interacting with an outside
20 vendor. I don't remember what they were
21 doing. That's all I can remember.
22 Q. Okay. Do you remember what
23 Mr. Brault's part of the project was?
24 A. If I remember correct, Rick was

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1 A. I believe so.
2 Q. Do you recall what, if any,
3 engineering duties he had regarding the
4 project?
5 A. No.
6 Q. And I don't know if you can answer
7 this question or not, but do you contend that
8 you could have performed Mr. Brault's part of
9 the project?
10 A. Yes, I believe so.
11 Q. How can you answer that if you
12 don't know what his duties were specifically
13 regarding the project?
14 A. Engineering isn't that hard. You
15 just got to follow through with it. It's just
16 a lot of -- at Simonds, it was just to -- you
17 didn't do that much design, you just were
18 given projects and you broke them down and got
19 them done. It isn't -- it's not rocket
20 science.
21 Q. So when you say engineering isn't
22 that hard, do you mean any kind of
23 engineering?
24 A. I think electrical engineering is a

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1 heading it up.
2 Q. So --
3 A. The whole thing.
4 Q. Okay. So he oversaw you with
5 respect to that project?
6 A. With respect to the project, yeah.
7 In other words, I got my orders from Steve, my
8 boss, and I worked with Rick. Yes.
9 Q. And by "Steve" do you mean Steve
10 Niemi?
11 A. That's correct.
12 Q. Do you recall what Steve's position
13 was at the time?
14 A. I think he was -- I'm pretty sure
15 he was the manager of engineering.
16 Q. Okay. And was that the position he
17 held at the time of your layoff in May of
18 2001 --
19 A. Yes.
20 Q. -- to your recollection?
21 A. To my recollection, yes.
22 Q. So you said that Rick's duties
23 regarding the project were to oversee the
24 project?

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1 lot harder than mechanical.
2 Q. And you were an electrical
3 engineer, right?
4 A. Yes.
5 Q. But you were not a mechanical
6 engineer, correct?
7 A. Not according to Simonds I wasn't,
8 no. Although they gave me mechanical jobs to
9 do, projects to carry out.
10 Q. Well, it's true, isn't it, that you
11 could perform certain mechanical functions but
12 not necessarily need to be a mechanical
13 engineer, right?
14 A. Say that again?
15 Q. Well, you said you were given
16 certain mechanical assignments. But those
17 assignments that you performed that were
18 mechanical in nature didn't necessarily
19 require you to be a mechanical engineer,
20 right?
21 A. Right, because I wasn't a
22 mechanical engineer.
23 Q. And what mechanical duties, as you
24 have characterized them, did you perform at

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1 A. The manager of manufacturing.
2 Q. And that was your last position
3 prior to your January 2000 layoff?
4 A. Yes.
5 Q. So prior to your first layoff,
6 Mr. Szocik was doing what at the company?
7 A. He was layout, layout engineer or
8 whatever you want to call him. Just layout.
9 He developed the flow through the -- flow of
10 material through the building.
11 Q. He wasn't performing the facilities
12 manager position at the time you were laid off
13 in January of 2000?
14 A. Just about.
15 Q. What do you mean?
16 A. He actually took over my duties
17 that I had when I was laid off.
18 Q. Right at that time?
19 A. At that time. Well, I was told
20 that John Jordan was going to be taking it
21 over and that they were laying off my level.
22 But when I came back in, I could see that he
23 wasn't doing the job that I was doing, that in
24 actuality that Tom had taken over the job. He

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1 A. You're saying to the actual line
2 process, running -- the material coming
3 through? Is that what you're talking about?
4 Q. Right.
5 A. Offhand I don't.
6 Q. Okay. Do you recall a meeting
7 between Chip Holm and the engineering
8 department including you, Mr. Brault, and
9 Mr. Dexter within the last few months prior to
10 your layoff in May of 2001?
11 A. Do I remember having meetings with
12 Chip? Yes.
13 Q. Do you remember a meeting during
14 which Chip asked for volunteers on the
15 projects?
16 A. No.
17 Q. Do you remember volunteering for
18 any particular projects?
19 A. The only thing I remember, his
20 telling me what I was going to be doing.
21 Q. Okay. But you don't remember him
22 asking for volunteers.
23 A. No.
24 Q. What did he tell you you were going

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1 was running the plant, maintenance, he had the
2 environmental group, he had all the -- just
3 what I did before.
4 Q. What you had -- just exactly what
5 you had been doing immediately prior to your
6 initial layoff?
7 A. Yep, all of it.
8 Q. And he had not been doing that --
9 those functions prior to your layoff in
10 January of 2000?
11 A. No.
12 Q. And he held that position during
13 your entire last year and a half of
14 employment?
15 A. That I know of, yes.
16 Q. Did you -- strike that. Were you
17 grateful to Simonds for finding another
18 position for you when they offered you the
19 position of project engineer?
20 A. Yes.
21 Q. Do you recall any other changes
22 than -- besides those you've already mentioned
23 to the manufacturing process during your last
24 year and a half of employment?

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1 to be doing?
2 A. He said he wanted to increase the
3 PM program out in the shop as one of my
4 projects.
5 Q. Okay. And by "PM" you mean
6 preventive maintenance?
7 A. That's correct.
8 Q. And you said as one of your
9 projects. Anything else that he assigned you?
10 A. I was to continue on with what the
11 projects I had.
12 Q. What was your impression of
13 Mr. Holm with respect to his -- and by the
14 way, what position -- he came to the company
15 while you were -- he was relatively new to the
16 company during your second stint with Simonds,
17 right?
18 A. Yes.
19 Q. And what was his job? Do you
20 remember?
21 A. I believe he was VP of
22 manufacturing.
23 Q. Okay.
24 A. There was two of them. Maybe he

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1 have the experience, he didn't have the
2 knowledge of the plant or of the product. So
3 I felt I could have done a more than adequate
4 job.

5 Q. You're not saying that you
6 thought -- are you talking about Mr. Peter
7 Duperry?

8 A. Yes.

9 Q. And you're not testifying, are you,
10 that you think you were more qualified than
11 him to perform the job, right?

12 A. I don't know whether I'm more
13 qualified than him or not.

14 Q. Okay. But as a mechanical engineer
15 and someone with a mechanical engineering
16 degree, do you believe that he brought
17 something to the table to Simonds that you did
18 not have?

19 A. He didn't have the experience.
20 That's what I brought to the table.

21 Q. I understand. But what he brought
22 to the table was a mechanical engineering
23 degree that you did not have. And my question
24 is, isn't that something that is -- you

1 testified earlier that all things being equal,
2 you would hire someone with a mechanical
3 engineering degree, right?

4 A. Yes, but not -- we're not talking
5 about equality here. I had the experience, he
6 didn't. And I think that far outweighs book
7 learning.

8 Q. Well, you had the experience
9 working at the company. So you were familiar
10 with the company, right?

11 A. Company and product, machines.

12 Q. But you didn't design machines,
13 right?

14 A. I did not.

15 Q. You never performed the duties of a
16 manufacturing engineer.

17 A. No, I didn't.

18 Q. Or a product engineer.

19 A. Never asked to.

20 Q. Or a mechanical engineer, correct?

21 A. I have.

22 Q. You have of a mechanical engineer.

23 A. Some of the jobs I did required
24 mechanical engineering.

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1 Q. Okay. I don't want to get back
2 into that because I think you spoke to that to
3 some degree. But you didn't perform the --
4 there were people at Simonds who were
5 mechanical engineers who had certain
6 responsibilities, right, had a certain set of
7 responsibilities, correct?

8 A. Like what set of responsibilities?

9 Q. Well, that's my question to you.
10 Do you know?

11 A. No.

12 Q. Okay. Well, Mr. Niemi you said you
13 knew was a mechanical engineer, right --

14 A. Yes.

15 Q. -- he had a certain set of
16 responsibilities.

17 A. He was more listed as a manager of
18 the engineering department.

19 Q. But he also performed --

20 A. Mechanical engineering.

21 Q. Right.

22 A. Yes.

23 Q. And he was -- he had a certain
24 educational background and experience

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1 background in that regard that you did not
2 have, correct?

3 A. Educational and experience.

4 Q. Do you believe that when you were
5 laid off from Simonds you could perform all
6 the duties of a mechanical engineer?

7 A. I had the skills, I believe.

8 Q. To do all of them, all of the
9 duties.

10 A. I don't know.

11 Q. Do you believe that a mechanical
12 engineer without any other training could
13 perform all of the duties of an electrical
14 engineer, a degree which you had?

15 A. It's a hypothetical. I don't know.

16 Q. Well, there's some difference,
17 isn't there --

18 A. Probably not.

19 Q. Okay. Do you remember Mr. Holm
20 making the statement that the company had
21 twice as many engineers as you needed?

22 A. No.

23 Q. You're not saying he didn't say
24 that, you just don't recall it, right?

EXHIBIT D

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION
Civil Action No. 04-40092-FDS

LOUIS P. ALBERGHINI,)
Plaintiff,)
VS.)
SIMONDS INDUSTRIES, INC.,)
Defendant.)

DEPOSITION OF JOHN W. JORDAN, taken at the request of the Defendant pursuant to the applicable provisions of the Federal Rules of Civil Procedure before Julie A. Bates, a Notary Public in and for the Commonwealth of Massachusetts, on Thursday, March 10, 2005, at the offices of Bowditch & Dewey, 311 Main Street, Worcester, Massachusetts. Also present: Ilda Thibodeau and Attorney David Witman and Attorney David Felner.

A P P E A R A N C E S:

FOR THE PLAINTIFF:
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(978) 632-7948
BY: MARCIA L. ELLIOTT, ESQ.

FOR THE DEFENDANT:
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311 Main Street
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BY: JONATHAN R. SIGEL, ESQ.

BAY STATE REPORTING AGENCY
76 MILL STREET, WORCESTER, MASSACHUSETTS 01603
(508) 753-4121

PROCEEDINGS

JOHN W. JORDAN, a witness called to

testify by counsel for the Defendant, having
been first duly sworn, was examined and
testified as follows:

EXAMINATION BY MR. SIGEL:

Q. Good afternoon, Mr. Jordan. My
name is Jonathan Sigel, and as you know I
represent Simonds Industries --

A. Uh-huh (affirmative response).

Q. -- in this case. We're -- as you
also know, Mr. Alberghini has brought a claim
for age discrimination.

MR. SIGEL: First of all, can we
just agree to usual stipulations?

MS. ELLIOTT: Correct.

Q. And you will have an opportunity if
you want to review your deposition and sign
your deposition and make any changes on the
errata sheet which you deem necessary.

Do you have any health condition or
are you taking any medication --

A. **No.**

Q. -- okay. Maybe I should have
started with the ground rules. But if you
could let me finish the question --

A. **Oh, sure. I thought you had.**

Q. -- before you answer. And don't
hesitate to ask me to repeat a question if you
want to.

A. **Okay.**

Q. Or for clarification. I'm not
trying to confuse you in any way. Your only
job is to give your testimony to the best of
your memory and truthfully. If you want a
break at any time, don't hesitate to mention
that as well. So my question is, do you have
any health condition, or are you taking any
medication that would impair your memory or
ability to testify truthfully at this
deposition?

A. **No.**

Q. Thank you. Mr. Jordan, how did you
come to be involved with this case?

A. **Probably dates back to, I'm going to
say, late 2001. I was contacted at some point
in time by Attorney Elliott asking if I might**

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14:43:29 1 was less of an information flow regarding
 14:43:32 2 profitability and more of an information flow
 14:43:36 3 regarding cost control. Kind of a -- I mean
 14:43:40 4 somewhat of a subtle change, I guess.

14:43:43 5 But many of the existing financial
 14:43:46 6 documents that, you know, had been relied upon
 14:43:50 7 for years on a monthly basis were now being
 14:43:53 8 substituted by, you know, different type
 14:43:55 9 documents. And again, the emphasis was more on
 14:43:59 10 controlling costs within one zone -- sphere of
 14:44:04 11 influence as opposed to looking at Fitchburg
 14:44:07 12 plant profitability, which used to be a very
 14:44:08 13 key -- previously was a very key measurement.

14:44:11 14 Q. So to what do you attribute the
 14:44:18 15 change -- that change in emphasis that you just
 14:44:20 16 described?

14:44:21 17 A. Well, one of the cornerstones, if
 14:44:24 18 you will, of Ray Martino and his group's
 14:44:27 19 management style was a focus on cost control,
 14:44:33 20 year-to-year cost reductions, trying to really
 14:44:39 21 control conversion costs, you know, as an
 14:44:43 22 attempt to improve the bottom line. So there
 14:44:46 23 was a tremendous amount of focus on conversion
 14:44:50 24 cost control even to the extent that our bonus

18

14:44:53 1 plans were designed around it, for example, and
 14:44:57 2 it was just given a lot of -- a lot more
 14:45:02 3 emphasis than, I guess, previously.

14:45:03 4 Q. Did your bonus criteria to yourself
 14:45:10 5 change beginning in January of 2001 when you
 14:45:12 6 changed positions?

14:45:15 7 A. Yes, because the old bonus plan was
 14:45:20 8 based on gross profit at the Fitchburg facility
 14:45:22 9 plus some inventory goals. And again, the
 14:45:26 10 hourly bonus plan -- and to the best of my
 14:45:30 11 recollection all bonus plans -- were now -- but
 14:45:33 12 the drivers were now cost reduction.

14:45:37 13 Q. Cost reduction company wide as
 14:45:39 14 opposed to just Fitchburg?

14:45:41 15 A. I think -- I'm sure there were --
 14:45:45 16 yes, just Fitchburg, that I'm aware of. I'm
 14:45:48 17 sure there were, you know, corporate plans for
 14:45:50 18 corporate people, but it was Fitchburg based.

14:45:55 19 Q. When you were plant manager, did you
 14:46:00 20 have access to company-wide financial
 14:46:02 21 information?

14:46:02 22 A. Yes. I'd get the so-called monthly
 14:46:05 23 book that had financial statements from the
 14:46:09 24 other facilities as well as Fitchburg.

14:46:13 1 Q. And --

14:46:14 2 A. I can't say that I spent a lot of
 14:46:16 3 time studying the other facilities, but yeah,
 14:46:18 4 they were available.

14:46:19 5 Q. And how about after your position
 14:46:25 6 changed from plant manager? Did you have the
 14:46:27 7 same access to company-wide information?

14:46:30 8 A. No.

14:46:35 9 Q. After the layoffs in January of
 14:46:42 10 2000, are you aware of any subsequent layoffs
 14:46:47 11 at the company during the remainder of your
 14:46:47 12 employment?

14:46:48 13 A. Yes.

14:46:50 14 Q. And if you could just describe all
 14:46:52 15 of those for me.

14:46:56 16 A. During -- after 2000 but before I
 14:46:58 17 left?

14:46:59 18 Q. Correct. After January of 2000 but
 14:47:02 19 prior to your leaving the company.

14:47:05 20 A. Well, I'm certainly aware of the Lou
 14:47:12 21 Alberghini, Bill Baker, Barry Brown layoffs
 14:47:16 22 in -- was it May of 2001 --

14:47:18 23 Q. Right.

14:47:19 24 A. -- why we're here. Others? There

20

14:47:25 1 was a Steve Grueitz (phonetic spelling) in
 14:47:28 2 customer service. There may have been some --
 14:47:32 3 you know, I'm not -- I suspect there were some
 14:47:35 4 possibly in data processing or inside sales of
 14:47:38 5 the financial area that I'm -- can't really
 14:47:43 6 recall. But -- yeah, I suspect there were some
 14:47:47 7 in pretty much every aspect of the business.

14:47:50 8 Q. And are you -- when you say that,
 14:47:53 9 are you talking about Fitchburg only or
 14:47:55 10 company-wide?

14:47:59 11 A. Well, there were definitely some
 14:48:01 12 moves at the plant in Ohio, the plant in
 14:48:06 13 Michigan, so I would say it was company wide
 14:48:10 14 without being able to necessarily recall names.

14:48:10 15 Q. Okay. So in the Fitchburg facility,
 14:48:15 16 do you recall, as you sit here today, any
 14:48:18 17 layoffs between Mr. Larson's layoff, for
 14:48:21 18 example, in January of 2000 and
 14:48:24 19 Mr. Alberghini's initial layoff at that time,
 14:48:26 20 and Mr. Alberghini's subsequent layoff in May
 14:48:29 21 of 2001?

14:48:31 22 A. Between?

14:48:32 23 Q. Between --

14:48:34 24 MS. ELLIOTT: Which between are you